

# Order

Michigan Supreme Court  
Lansing, Michigan

April 23, 2015

Robert P. Young, Jr.,  
Chief Justice

150029

Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein,  
Justices

RONNISCH CONSTRUCTION GROUP, INC.,  
Plaintiff-Appellee,

v

SC: 150029  
COA: 314195  
Oakland CC: 2009-105768-CH

LOFTS ON THE NINE, L.L.C.,  
Defendant-Appellant,

and

LOFTS ON THE NINE CONDOMINIUM  
ASSOCIATION, HOTLINE ELECTRIC, INC.,  
RAM CONSTRUCTION SERVICES OF  
MICHIGAN, INC., EAM ENGINEERS, INC.,  
MICHIGAN AIR PRODUCTS CO., STOCK  
BUILDING SUPPLY, L.L.C., WILLIAMS  
DISTRIBUTING CO., NORTH STAR  
PARTNERS, L.L.C., and THE STATE BANK,  
Defendants.

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On order of the Court, the application for leave to appeal the July 24, 2014 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the Court of Appeals erred in holding that the plaintiff contractor, who filed a claim of lien under the Construction Lien Act (CLA), MCL 570.1101 *et seq.*, and then filed a circuit court action against the defendant property owner, alleging breach of contract, foreclosure of lien, and unjust enrichment claims, was entitled to an award of attorney fees as a “prevailing party” under MCL 570.1118(2), when the plaintiff prevailed in binding arbitration on its contract claim, but neither the arbitrator nor the circuit court resolved the plaintiff’s foreclosure of lien claim. See *HA Smith Lumber & Hardware Co v Decina*, 480 Mich 987 (2007).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 23, 2015

  
Clerk